

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

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U.S. DISTRICT COURT
WESTERN DISTRICT HIGH

THOMPSON SURGICAL INSTRUMENTS,
INC., a Michigan corporation,

Plaintiff,

v.

T.KOROS SURGICAL INSTRUMENTS
CORP., a California corporation,

Defendant.

Civil Action No. 1:03 CV 0867

Richard Alan Enslen
U.S. District Judge

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Thompson Surgical Instruments, Inc. for its complaint against defendant
T.Koros Surgical Instruments Corp., states and alleges as follows:

PARTIES

1. Plaintiff Thompson Surgical Instruments, Inc. ("Thompson Surgical") is a
Michigan corporation having its principal place of business at 10170 East Cherry Bend
Road, Traverse City, Michigan 49684.

2. On information and belief, defendant T.Koros Surgical Instruments Corp.
("Koros Surgical") is a California corporation having its principal place of business at
610 Flinn Avenue, Moorpark, California 93021.

JURISDICTION

3. This is an action for patent infringement. This action arises under the
Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*

4. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Koros Surgical because it has sufficient minimum contacts to establish personal jurisdiction in this district.

6. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b).

**COUNT I
PLAINTIFF'S CLAIM OF PATENT INFRINGEMENT**

7. On April 27, 1999, United States Patent No. 5,897,087 (the "'087 patent"), entitled "Cam Tightened Universal Joint Clamp," duly and legally issued to Daniel K. Farley. A copy of the '087 patent is attached to the Complaint as Exhibit A.

8. By assignment, Thompson Surgical has acquired and continues to maintain all right, title, and interest in and to the '087 patent.

9. Thompson Surgical has marked its products made under the '087 patent pursuant to 35 U.S.C. § 287.

10. Koros Surgical is infringing the '087 patent, in violation of 35 U.S.C. § 271, by making, selling, offering to sell and using, without license or authority from Thompson Surgical, products that embody the patented invention claimed in the '087 patent, including, at least, the product made and sold by Koros Surgical as the "Swift Retractor Cam Joints."

11. Upon information and belief, Koros Surgical will continue to infringe the '087 patent unless enjoined by this Court.

13. Due to the infringement of the '087 patent by Koros Surgical, Thompson Surgical has suffered and will continue to suffer irreparable damages and the impairment

of the value of its patent rights unless Koros Surgical's infringing activity is preliminarily and permanently enjoined by this Court.

JURY DEMAND

Plaintiff Thompson Surgical demands a trial by jury on all issues in this Complaint so triable, pursuant to Fed. R. Civ. P. 38(b).

REQUEST FOR RELIEF

WHEREFORE, plaintiff Thompson Surgical requests a Judgment:

A. That U.S. Patent No. 5,897,087 is valid, enforceable, and infringed by the defendant Koros Surgical;

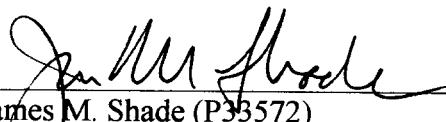
B. Ordering Koros Surgical, its officers, agents, servants, and employees and all persons in active concert or participation with any of them, to be preliminarily and permanently enjoined from activities infringing Thompson Surgical's '087 patent, including the making, selling, offering to sell, or using of products that infringe the '087 patent;

C. Ordering an accounting and an award of damages adequate to compensate Thompson Surgical for all acts of infringement by Koros Surgical, together with all other relief provided for under 35 U.S.C. § 284;

D. Ordering such other relief as the Court may deem fair and just.

Respectfully submitted,

Dated: December 1, 2003


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